

NO. X06 CV15 6050025 S	:	SUPERIOR COURT
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DONNA L. SOTO, ADMINISTRATRIX	:	
OF THE ESTATE OF	:	COMPLEX LITIGATION
VICTORIA L. SOTO, ET AL	:	DOCKET
	:	
V.	:	AT WATERBURY
	:	
BUSHMASTER FIREARMS	:	
INTERNATIONAL, LLC, ET AL	:	SEPTEMBER 20, 2021

**PLAINTIFFS' OBJECTION TO PETITIONER'S  
MOTION TO INTERVENE**

On September 10, 2021, the petitioner, James H. Fetzer, filed a Motion to Intervene and Motion for Extension of Time, DN 375.00, seeking permissive intervention in this matter. That Motion must be denied in its entirety.

The Motion to Intervene fails to articulate a single cognizable interest that would warrant intervention. *See, e.g., Kerrigan v. Comm'r of Pub. Health*, 279 Conn. 447, 461 (2006) (identifying the timeliness of the intervention, the proposed intervenor's interest in the controversy, the adequacy of representation of such interests by other parties, the delay in the proceedings or other prejudice to the existing parties the intervention may cause, and the necessity for or value of the intervention in resolving the controversy before the court, as factors for a court to consider on a motion for permissive intervention).

The interest identified in the Motion—to protect a factual defense in a Wisconsin libel suit—is moot. The petitioner himself acknowledges that a Wisconsin Circuit Court has already found the claimed “fact” at interest to be untrue and libelous, DN 375.00 at P 3,<sup>1</sup> a conclusion

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<sup>1</sup> See also Wis. Circuit Court Access, *Dane County Case No. 2018CV003122, Leonard Pozner v. James Fetzer et al*, <https://wcca.wicourts.gov/caseDetail.html?caseNo=2018CV003122&countyNo=13&index=0#records> (last visited Sept. 17, 2021) (“granting pltf’s mtn for summary judgment” on June 18, 2019).

that was affirmed by the Wisconsin Appellate Court. *See Pozner v. Fetzer*, 959 N.W.2d 89 (Wis. Ct. App. 2021). Intervention in the underlying matter would have absolutely no bearing on the Wisconsin matter; it would only enable the petitioner to repeat these lies in a new venue.<sup>2</sup> Nor does any other balancing factor support the Motion: It is untimely,<sup>3</sup> fails to articulate any interest in the unlawful marketing claims, would delay the proceedings and prejudice the existing parties, and would provide no value to resolving the claims before the Court.

Accordingly, the petitioner's Motion must be denied.<sup>4</sup>

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<sup>2</sup> It appears to be a violation of the Wisconsin orders for the petitioner to repeat these false statements here: As noted by the Wisconsin Appellate Court, "the circuit court entered an order permanently enjoining Petitioner from repeating the [] defamatory statements." *Fetzer*, 959 N.W.2d 89 at \*3; *see also* Wis. Circuit Court Access, *supra* note 2 ("Granting Permanent Injunction" on December 17, 2019).

<sup>3</sup> The March 19, 2019 Connecticut Supreme Court opinion, 331 Conn. 53 (2019), which the petitioner cites as a source of "injury," *see* DN 375.00 ¶ 4, was published nearly 2.5 years before this Motion to Intervene was filed. *See id.* (dated September 10, 2021).

<sup>4</sup> Because the petitioner has failed to articulate *any* cognizable interest in this matter, this Court should summarily reject the petitioner's request for an extension of time.

THE PLAINTIFFS,

By: /s/ Joshua D. Koskoff

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## **CERTIFICATION OF SERVICE**

This is to certify that a copy of the foregoing has been emailed this day to all counsel of record as follows:

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